

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

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**MARLON J. WHATLEY, JR.**

**Plaintiff**

vs.

**CASE NUMBER: 5:11-CV-1009  
(NAM/ATB)**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**Defendant**

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**Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that the Report-Recommendation issued by Magistrate Judge Andrew T. Baxter on October 14<sup>th</sup>, 2011 is adopted in its entirety. The Plaintiff's complaint is DISMISSED and judgment is hereby entered in favor of the Commissioner.

All of the above pursuant to the Order of the Honorable Chief District Judge Norman A. Mordue, dated the 31<sup>st</sup> day of October, 2011.

DATED: October 31, 2011



Laurence A. Baum  
Clerk of Court

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s/ Melissa Ennis  
Melissa Ennis  
Deputy Clerk